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In re Application of
HASLAM
Application No.: 10/549,519 : DECISION
PCT No.: PCT/GB2004/000853 :
Int. Filing Date: 01 March 2004 :
Priority Date: 15 March 2003 :
Attorney's Docket No.: 013344-9061-00 :
For: IMPROVEMENTS IN AND RELATING TO
TRAILER COUPLING :

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT" filed in the United States Patent and Trademark Office (USPTO) on 21 September 2007.

BACKGROUND

On 01 March 2004, applicant filed international application PCT/GB2004/000853, which designated the United States and claimed a priority date of 15 March 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 September 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 September 2005.

On 14 September 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 April 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 August 2007, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to timely respond to the Notification mailed 25 April 2006.

On 21 September 2007, applicants submitted the instant "PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT".

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been met.

As to item (3), MPEP § 711.03(c), para. I.A. states that a "copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." The docket report provided does not appear to be a master docket for the firm but rather the docket records for a single attorney in the firm.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

The application remains abandoned.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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